

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

768E0715

## HOUSE BILL NO. 1235

Introduced by: Representatives Kloucek and Valandra and Senator Koetzle

1 FOR AN ACT ENTITLED, An Act to designate the state capitol complex and the Governor's  
2 mansion as a drug free zone.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-42-19 be amended to read as follows:

5 22-42-19. Any person who commits a violation of § 22-42-2, 22-42-3, or 22-42-4, or a  
6 felony violation of § 22-42-7, if such activity has taken place:

7 (1) In, on, or within one thousand feet of real property comprising a public or private  
8 elementary or secondary school or a playground; ~~or~~

9 (2) In, on, or within five hundred feet of real property comprising a public or private  
10 youth center, public swimming pool, or video arcade facility; or

11 (3) In, on, or within five hundred feet of real property comprising the grounds of the state  
12 capitol complex, including the Governor's mansion, in Pierre, South Dakota

13 is guilty of a Class 4 felony. The sentence imposed for a conviction under this section carries a  
14 minimum sentence of imprisonment in the state penitentiary of five years. Any sentence imposed  
15 under this section shall be consecutive to any other sentence imposed for the principal felony.

1 The court may not place on probation, suspend the execution of the sentence, or suspend the  
2 imposition of the sentence of any person convicted of a violation of this section. However, the  
3 sentencing court may impose a sentence other than that specified in this section if the court finds  
4 that mitigating circumstances exist which require a departure from the mandatory sentence  
5 provided for in this section. The court's finding of mitigating circumstances allowed by this  
6 section and the factual basis relied upon by the court shall be in writing.

7 It is not a defense to the provisions of this section that the defendant did not know the nature  
8 of the property or the distance involved. It is not a defense to the provisions of this section that  
9 school was not in session.